

**I. CHARGES**

U.S. TITLE/SECTION	OFFENSES CHARGED	ORIGINAL COUNTS
18:371,922[o]	Conspiracy to Cause Illegal Possession of Firearms	
26:5861[d]	Count I	1
18:2,922[o]	Aid & Abet the Unlawful Possession of Firearms	
26:5861[d]	Count XI	18
	Count XII	
	Count XIII	
	Count XIV	
	Count XV	
	Count XVI	
	Count XVII	
	Count XVIII	
	Count XIX	
	Count XX	
	Count XXI	
	Count XXII	
	Count XXIII	
	Count XXIV	
	Count XXV	
	Count XXVI	
	Count XXVII	
	Count XXVIII	

**INFORMATION**  
18 USC §1001 False Statements

**II. KEY DATE**

INTERVAL ONE	END ONE AND/OR BEGIN TWO (OR RESTART PERIOD TO TRIAL)	END INTERVAL TWO
KEY DATE: [ ] EARLIEST OF: [ ]	KEY DATE: 05/27/88 APPLICABLE: [ ]	KEY DATE: 06/06/89 APPLICABLE: [ ]

1st appears on pending charge / R40  
b) Receive file R20/21  
c) Supdgt: [ ] Indf: [ ]  
d) Order New trial  
e) Remand f) IG/P Withdrawn



U.S. TREASURY DEPARTMENT  
BUREAU OF ALCOHOL, TOBACCO & FIREARMS  
  
LARRY L. NICKELL  
SENIOR ATTORNEY  
OFFICE OF REGIONAL COUNSEL  
  
221 MAIN STREET, 11TH FLOOR  
SAN FRANCISCO, CA 94105-1926  
(415) 975-4

**II. MAGISTRATE**

DISPOSITION DATE: 06/08/89 SENTENCE DATE: 06/13/89

PTD: [ ] Noted [ ] Pros. FINAL CHARGES DISMISSED: [ ] on S.T. grounds [ ] W.P. [ ] WOP [ ] on def motion on gov motion

ARRANCE DATE: [ ] Date Scheduled: [ ] Date Held: [ ]

NOT WAIVED [ ] Tape Number: [ ]

ENDING INDICTMENT [ ]

INITIAL/N: [ ]

NOTICE OF APPEAL 06/30/89

CERT OF RECORD 08/21/89

Show last names and suffix numbers of persons: #2/JOHN BURNS #3/DAN BURNS #4/MARK KRAPP

**ATTORNEYS**  
U.S. Attorney or Asst.  
Carl Rostad 2-25-03 761-7715  
ROBERT J. BROOKS AUSA/Butte, Mt 723-6611

Defense: 1 [ ] CJA. 2 [x] Ret. 3 [ ] Waived. 4 [ ] Self. 5 [ ] Non / Other. 6 [ ] PD. 7 [ ] CD

MICHAEL W. COTTER  
Box 3425  
Great Falls, Mt 59403  
761-8891

Allen Beck (2-25-03)  
HC63 BOX 15  
Zortman MT 59546  
ph 673-3490  
fx 673-3358 (call before faxing)

Archive: 021-99-0050  
Box 1 of 12  
Location 720373

**IV. NAMES & ADDRESSES OF ATTORNEYS, SURETIES, ETC.**

DATE	RECEIPT NUMBER	C.D. NUMBER	DATE	RECEIPT NUMBER	C.O. NUMBER

**BAIL • RELEASE**

**PRE-INDICTMENT**

Release Date: [ ]  
Bail Denied [ ] Fugitive [ ]  
AMOUNT SET: [ ]  
Date Set: [ ]  
Bail Not Made [ ]  
Date Bond Made [ ]

**POST-INDICTMENT**

Release Date: [ ]  
Bail Denied [ ] Fugitive [ ]  
AMOUNT SET: [ ]  
Date Set: [ ]  
Bail Not Made [ ]  
Date Bond Made [ ]

**APPEALS FEE PAYMENTS**

DATE	DOCUMENT NO.	MASTER DOCKET - MULTIPLE DEFENDANT CASE	PAGE	OF	VI EXCLUDABLE DELAY	Start Date	End Date	Ltr. Code	Total Days
	88-00035	1-4	Case 4:88-cr-00035-SEH Document 1	Filed 03/15/13	Page 2 of 25				
		(OPTIONAL) Show last names of defendants	V. PROCEEDINGS						
5/28/88	-	ENT REC OF GJ concurring in Blgs, Mt. Case assigned to GF Div. C/S ordered & issued. Orig sms, 1 cpy & cert cpy of indict to USM/Blgs [for ea deft]; arraignment 5/20/88 at 9:30 AM							
5/28/88	1	Criminal Coversheet							
5/28/88	2	INDICTMENT							
5/06/88	3	Summons rtn'd [serv. 05/03/88 on Deft. Creed Evans]							
5/11/88	4	NOTICE OF APPEARANCE-Michael Cotter enters appearance on behalf Creed Evans w/c/m							
5/11/88	5	Deft Evans' Motion to cont arraignment set for 5/20/88 at 9:30 AM w/c/m							
5/11/88	--	LODGED proposed order re mtn #5-TO PGH							
5/11/88	6	Deft John Burns' Motion to cont arraignment set for 5/20/88 w/c/m							
5/11/88	--	LODGED proposed order re mtn #6-TO PGH							
5/12/88	7	Summons rtn'd. [serv. 05/05/88 on Deft. John Burns]							
5/12/88	8	Summons rtn'd. [serv. 05/05/88 on Deft. Dan Burns]							
5/12/88	9	Summons rtn'd. [serv. 05/05/88 on Deft. Mark Knapf]							
5/12/88	10	Deft. <u>JOH W. BURNS</u> ' arraig. seet for 05/20/88 is VACATED & RESET for 05/27/88 @ 9:30 a.m.-cpys. AUSA/Brooks, AUSA/GF, Higgins, USPO & USM.							
5/12/88	11	Deft. <u>Creed M. Evans</u> ' arraig. set for 05/20/88 is VACATED & RESET for 05/27/88 @ 9:30 a.m.-cpys. to AUSA/Brooks, AUSA/GF, Cotter, USPO & USM.							
5/13/88	12	Notice of Arraignment; Arraig. set for 05/20/88 is VACATED & Reset for 05/27/88 @ 9:30 a.m.-cpys. to AUSA/Brooks, AUSA/Rostad, Bauer, USPO & USM. Deft. <u>Dan Michael Burns</u>							
5/18/88	13	Deft. <u>KRAPF Mtn.</u> to Cont. arraig. set for 05/20/88 to 05/27/88 @ 9:30 a.m.-w/c/m.							
5/18/88	14	ORDER--Arraig. set for 05/20/88 is VACATED & RESET for 05/27/88 @ 9:30 a.m.-cpys. to AUSA/Brooks, AUSA/GF, Randono, UPO & USM. <u>Deft. Knapf.</u>							
5/27/88	15	Deft <u>Creed Evans</u> ' Motion to Dismiss indict for failure to state an offense w/c/s							5-28-88 5-16-89 T2 351 Evans
5/27/88	16	Deft <u>Creed Evans</u> ' Memo in sppt of mtn #15 w/c/s							
5/27/88	17	Deft <u>Creed Evans</u> ' Motion to Dismiss indict on the ground of unconstitutionality of statutes w/c/s							
5/27/88	18	Deft <u>Creed Evans</u> ' Memo in sppt of mtn #17 w/c/s							
5/27/88	19	Deft <u>Creed Evans</u> ' Motion to Dismiss indict for violation of due process w/c/s							
5/27/88	20	Deft <u>Creed Evans</u> ' Memo in sppt of mtn to dismiss indict for violation of due process w/c/s							
5/27/88	21	Deft <u>Creed Evans</u> ' Motion for Discovery: 1/Rule 16 Evidence; 2/Exculpatory Evidence w/c/s							
5/27/88	--	ENT REC OF CRT PROCEEDINGS/ARRAIGNMENT [all defts]: Crt, AUSA/Rostad defts' ret cnsl, all defts & USPO/Pattee present. All defts ATN; all defts have cpy of indict & waive reading. All defts plead NOT GUILTY to all charges. Crt advises re possible penalties. Crt orders cnsl confer by 6/7/88 & file PT mtns by 6/13/88; charge to jury due 7/12/88; jury trial set for 7/19/88 at 9:30 AM. Deft cnsl Cotter advises that mtns have been filed this date. Crt orders all other defts' cnsl have 20 days to adopt & file their mtns; AUSA has 20 days to file response; deft cnsl have 10 days thereafter to file reply. All defts cont O/R w/o obj							
5/27/88	22	ORDER: Cnsl confer by 6/7/88. Cpys to cnsl/5 [all defts]							
5/27/88	23	NOTICE: jury instr due 7/12/88; jury trial set for 7/19/88 at 9:30 AM. Cpys to cnsl/5, USM, USPO [all defts]							
5/31/88	24	TRANSCRIPT OF PROCEEDINGS for 5/27/88 Arraignment [all defts]							

A. Excl. for mar. ch inapp. 118 USC 4, (11) (A)

B. MARA exm USC 2002 (1)

C. State/Fed. proceedings on charges (11)

D. Interlocus penl (11)(E)

E. Probation from filing hearing or to prompt disc (11)(F)

F. Transfer to district per F 20.21 or 40 Rule 6a (11)

G. Proceeding adjournment, exceed 30 d after all necessary submission filed and not completed (1)

H. Misc. proc. arrangement, probation, n. Deportation discn (11)

I. Deferral of j. action (11)(202) (11)(10)

J. Transportat. another dist. (11)(10)(10) in 10 days c. (11)(10)(10)

K. Considerat. Deft of per. plea agreem. (1)

L. Prosecution by mutual a. (11)

M. Unavailable defendant or witness (12)

N. Period of trial income of del. to st trial (14)

O. Period of commitment (15)

P. Supervising ment and/or charges (16)

R. Def. avail. of co defen. no severan. been grant. (1)

T. Continuance granted per use "T" vic. Show one of: (1) pending res. thru T4 is support of vance (18)

T1. Failure t. would stop proceeding result in m. of justice (1)

T2. Case uns. plex (18)(18)

T3. Indictme. press can't in 30 days (1)

T4. Continu. to obtain c. state couns. reasonable prepare (11)

U. Time up. guilty plea (1)

W. Grand Ju. time exten. days, 316(1)

CONTINUED TO PAGE

A. Excl. for mar. cel incorp. 118 USC 4, (1)(1)(A)

B. NARA ex. USC 2002 (1)

C. State/Fed. records on charges (1)(1)

D. Interlocutory appeal (1)(1)(1)

E. Petition for writ of habeas corpus (1)(1)(1)

F. Transfer of district per F. 26.21 or 40 Rule 6a (1)(1)

G. Proceeding advancement, except 30 d after all necessary submissions filed and not completed (1)

H. Misc. proceedings: probation, deportation, etc. (1)(1)

I. Detention of civilian (1)(1)

J. Detention of civilian (1)(1)

K. Detention of civilian (1)(1)

L. Detention of civilian (1)(1)

M. Detention of civilian (1)(1)

N. Detention of civilian (1)(1)

O. Detention of civilian (1)(1)

P. Detention of civilian (1)(1)

Q. Detention of civilian (1)(1)

R. Det. avail. of co-defendant or witness (1)(1)

S. Det. avail. of co-defendant or witness (1)(1)

T. Det. avail. of co-defendant or witness (1)(1)

U. Det. avail. of co-defendant or witness (1)(1)

V. Det. avail. of co-defendant or witness (1)(1)

W. Det. avail. of co-defendant or witness (1)(1)

X. Det. avail. of co-defendant or witness (1)(1)

Y. Det. avail. of co-defendant or witness (1)(1)

Z. Det. avail. of co-defendant or witness (1)(1)



Yr.	Docket No.	Def.	MASTER DOCKET - MULTIPLE DEFENDANT CASE PROCEEDINGS DOCKET FOR SINGLE DEFENDANT	PAGE	VI EXCLUDABLE DELAY			LETTER CODES
					Start Date	End Date	Total Days	
88-00035	Case 4:88-cr-00035-SEH	Document 1	Filed 03/15/13	Page 4 of 25				
(OPTIONAL) Show last names of defendants <b>V. PROCEEDINGS</b> DOCKETING ON CR-88-35-GF-PGH #1								A. Exam or hearing for mental/physical incapacity (18 USC 4248) (1)(A)  a. NARA exam (18 USC 2902) (1)(B) C. State/Fed/ proceedings on other charges (1)(C) D. Interlocutory appeal (1)(D) E. Pretrial motion (from filing to hearing or to other prompt disposition) (1)(E) F. Transfer from other district per FRCP 20.24 or 45 or Mag. Rule 6a (1)(F)  G. Proceedings under (arrest), not to exceed 30 days, after all necessary submissions filed and hearings completed (1)(G) H. Misc. proceedings: arraignment, parole/probation, revocation, Deportation, extradition (1)(H) I. Deferral of prosecution (per 28 USC 2902) (1)(I) J. Transportation from another district or to/from examination or hospitalization in 10 days or less (1)(J) K. Consideration by Court of proposed plea agreement (1)(K) L. Prosecution deferred by mutual agreement (1)(L) M. Unavailability of defendant or essential witness (1)(M) N. Period of mental/physical incompetence of def. to stand trial (1)(N) O. Period of NARA commitment/treatment (1)(O) P. Superseding indictment and/or new charges (1)(P)  R. Del. awaiting trial of co-defendant & no severance has been granted (1)(R) T. Continuance granted per (1)(T) use "T" alone if more than one of the following reasons (T1 thru T4) is given in support of continuance (1)(T)(A,B) T1. Failure to continue would stop further proceedings or result in miscarriage of justice (1)(T)(i) T2. Case unusual or complex (1)(T)(ii)  T3. Indictment following arrest can't be filed in 30 days (1)(T)(iii) T4. Continuance granted to obtain or substitute counsel, or give reasonable time to prepare (1)(T)(iv) U. Time up to withdraw guilty plea, 316(f) W. Grand Jury indictment time extended 30 more days, 316(f)



U.S. TITLE/SECTION		OFFENSES CHARGED		ORIGINAL COUNTS		DISM.	
18:371,922[o]	Conspiracy to Cause Illegal Possession of Firearms	Count I, Count XXXVII	2				
26:5861[a]	Aid & Abet the Unlawful Possession of Firearms	Count II, Count X, Count XVIII	23				
18:2,922[o]		Count III, Count XI, Count XIX					
26:5861[a]		Count IV, Count XII, Count XX					
		Count V, Count XIII, Count XXI					
		Count VI, Count XIV, Count XXII					
		Count VII, Count XV, Count XXXV					
		Count VIII, Count VI, Count XXXVI					
		Count IX, Count VII					

18:922[m] Conspiracy to Cause Illegal Poss of Firearms Cnts I & XXXVII

INTERVAL ONE KEY DATE 05/27/88

KEY DATE 04/28/88

KEY DATE 12-20-88

KEY DATE 12-27-88

1st appears with or waives counsel

ARRAIGNMENT

1st Trial Ended

RE-TRIAL

2nd Trial Began

DISPOSITION DATE 12-20-88

SENTENCE DATE 12-27-88

PTD Noted Pros.

FINAL CHARGES DISMISSED

on det. motion on gov't motion

III. MAGISTRATE	
Search Warrant	Issued
Summons	Issued
Arrest Warrant Issued	Served
COMPLAINT	
Date of Arrest	OFFENSE (In Complaint)
DATE	INITIAL/NO.
INITIAL APPEARANCE DATE	PRELIMINARY EXAMINATION
REMOVAL OR HEARING	DATE SCHEDULED
WAIVED	DATE HELD
NOT WAIVED	TYPE NUMBER
INTERVENING INDICTMENT	
OUTCOME:	
DISMISSED	
HELD FOR GJ OR OTHER PROCEEDING IN THIS DISTRICT	
HELD FOR GJ OR OTHER PROCEEDING IN DISTRICT BELOW	

Show last names and suffix numbers of other defendants on same indictment/information:

#1/CREED EVANS #2/JOHN BURNS #4/MARK KRAPP

ATTORNEYS

U.S. Attorney or Asst.

ROBERT J. BROOKS AUSA/Butte, Mt 723-6611

Defense: 1 CJA. 2 Ret. 3 Waived. 4 Self. 5 Non / Other. 6 PD. 7 CD

Mark Bauer

P.O. Box 1423

Great Falls, MT 59403

(406) 727-0800

RULE 20 21 40 In Out

BAIL & RELEASE

PRE-INDICTMENT

Release Date

Bail Denied

Fugitive

Pers. Rec.

AMOUNT SET

PSA

Conditions

10% Dep.

Surety Bond

Bail Not Made

Collateral

3rd Prty

Other

POST-INDICTMENT

Release Date

Bail Denied

Fugitive

Pers. Rec.

AMOUNT SET

PSA

Conditions

10% Dep.

Surety Bond

Bail Not Made

Collateral

3rd Prty

Other

FINE AND RESTITUTION PAYMENTS			Docket Entries Begin On Reverse Side		
DATE	RECEIPT NUMBER	C.D. NUMBER	DATE	RECEIPT NUMBER	C.D. NUMBER
12-20-88	16431	\$200.00 Fine			
		\$50.00 P.U.			

APPEALS FEE PAYMENTS

DATE	Yr.	Docket No.	Def.	MASTER DOCKET - MULTIPLE DEFENDANT CASE	PAGE	OF	VI EXCLUDABLE DELAY	U.S. Code	Total Days	LETTER CODES
DOCUMENT NO.		88-00035		PROCEEDINGS DOCKET FOR SINGLE DEFENDANT			Start Date	End Date		
										<p>For identifying periods of excludable delay per 18 USC 3161 (h) (1) (S in brackets)</p> <p>A Exam or hear for mental/phys cal incapacity (18 USC 424a) (1) (A3)</p> <p>B NARA exam (USC 2903) (1)</p> <p>C State/Fed. J. meetings on charges (1) (1) (1)</p> <p>D Interlocutor peal (1) (1) (1)</p> <p>E Pretrial mot (from filing to hearing or to prompt dispo (1) (1) (1)</p> <p>F Transfer from district per F1 20.2) or 40 o Rule 6a (1) (1)</p> <p>G Proceedings adjournment, r increased 30 de after all necessary submisar filed and hear completed (1)</p> <p>H Misc proce arrangement, probation, re Deportation, detion (1) (1) (1)</p> <p>I Deferral of p ortion per 2 2902) (1) (1) (1)</p> <p>J Transportation another dist without ear or hospitalit in 10 days o (1) (1) (1)</p> <p>K Consideratio Court of pro pias agreem (1) (1) (1)</p> <p>L Prosecutio by manual p (1) (1) (1)</p> <p>M Unavailabi foridant or e witness (1) (1) (1)</p> <p>N Period of r cal incorp of del, to ar rial (1) (1) (1)</p> <p>O Period of l commitment ment (1) (1) (1)</p> <p>P Superseding ment and/o charges (1) (1) (1)</p> <p>R Def. avail of co-defen no severanc been grant (1) (1) (1)</p> <p>T Continuag granted per use "T" als than one o lowing rea (1) (1) (1)</p> <p>T1 Failure i would stop proceeding result in m of (1) (1) (1)</p> <p>T2 Case un plex (1) (1) (1)</p> <p>T3 Indem arrest can in 30 days (1) (1) (1)</p> <p>T4 Continu to obtain i nte couns reasonable prepare (1) (1) (1)</p> <p>U Time up guilty plea (1) (1) (1)</p> <p>W Grand Ju time enter day 378 (1) (1) (1)</p>
				V. PROCEEDINGS						
				ALL DOCKETING DONE IN CR-88-35-GF-PGH #1						



A. Exam or hearing  
for mental/physi-  
cal incapacity  
(18 USC 4244)  
[(1) (A)]

b NARA exam (16  
USC 2902) [(1) (B)]

C. State/Fed. l proceedings on other charges | (1) (D)

Q Interlocutory appeal. (1)(E)

E Preferal motion  
(from filing to  
hearing or to other  
prompt disposition;  
[1][E])

F Transfer from other district per FACrP 20.21 or 40 or Mag. Rule 6a (1)(G)

G Proceedings under advisement, not to exceed 30 days, after all necessary submissions filed and hearings completed [(1)(j)]

H Misc. proceedings:  
arraignment, parole/  
probation, revocation,  
Deportation, extra  
diting [(11)]

5 Deferral of prosecution (per 28 USC 2507) (1)(1)(C1)

6 Transportation from another district or to/from examination or hospitalization in 10 days or less (11)(H)

3 Consideration by  
4 Court of proposed  
5 plea agreement (4)(b)

1 Prosecution deferred  
by mutual agreement  
[21]

**M Unavailability of defendant or essential witness (1.33(A-B))**

N Period of mental/physical incompetence of def to stand trial [14]

O Period of NARA commitment/treatment (15)

PSuperseding indictment and/or new charges (6)

R. Def. awaiting trial  
of co-defendant &  
no severance has  
been granted [17]

T Continuances granted per (h)(8) use "T" alone if more than one of the following reasons (T1 thru T4) is given in support of continuance [(R)(A,B)]

T1 Failure to continue would stop further proceedings or result in miscarriage of justice [(B)(8 iii)]

T2 Case unusual or complex (18)(6,ii)

T3 Indictment following arrest can't be filed in 30 days [(8)(B.iv)]

T4 Continuation granted to obtain or substitute counsel, or give reasonable time to prepare. (A)(B)(iv)

U Time up to withdrawal

W Grand Jury indictment  
time extended 30 more  
days. 3161 (b)

## V. PROCEEDINGS

ALL DOCKETING DONE IN CR-88-35-GF #1

CONTINUED TO PAGE 2



AD 256A

Yr. Docket No. Def.

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
6/2/88	25 <u>Deft John Burns</u> joins in mtns file by deft Creed Miles Evans to: 1/dismiss indict for failure to state an offense; 2/dismiss indict for viol of due process; 3/dismiss indict on basis of unconstitutionality of statutes. Deft adopts memo already on file by Deft Creed Evans w/c/m;		6-8-88	7.2	24
6/6/88	26 Pltf's Motion for ext of 14 days to file response to mtns to dismiss of defts Creek Evans & John Burns w/c/s				
6/6/88	-- LODGED proposed order re mtn #26-TO PGH				
6/8/88	27 <b>ORDER:</b> Pltf is granted to 6/20/88 to file a resp to mtns to dismiss of defts Creed Evans & John Burns. Cpys to cnsl/3, AUSA/GF w/c/clk				
6/8/88	28 <u>Deft John Burns'</u> Motion for Discovery w/c/m				
6/9/88	29 <u>Deft Creed Evans'</u> obj to govt's mtn for ext of 14 days to file response to mtns to dismiss filed by defts Evans & Burns w/c/m				
6/10/88	30 <u>Deft Krapf's</u> Motion to Sever w/c/s				
6/10/88	31 <u>Deft Krapf's</u> Brief in Sppt of Mtn to Sever w/c/s				
6/10/88	32 <u>Deft Dan Burns'</u> Objection to pltf's mtn for ext of 14 days to file response to mtns to dismiss w/c/m				
6/10/88	33 <u>Deft Dan Burns'</u> joinder in mtns filed by defts Evans & John Burns to: dismiss indictment for failure to state an offense; dismiss indict for viol of due process; dismiss indict on basis of unconstitutionality of statutes w/c/m				
6/10/88	-- C/C Butte issued 4 subpoenas on behalf of USA-handed origis & 2 cpys ea to AUSA/BU				
6/13/88	34 <u>Deft John Burns'</u> PT Motions & obj to USA'S mtn for ext to file brief in oppos to defts' mtns to dismiss w/c/m				
6/15/88	35 Pltf USA'S Opposition to Motion to Sever filed by deft Krapf w/c/s attchd to doc #36				
6/15/88	36 Pltf USA'S Memo of Law re oppos to mtn to sever w/c/s - TO PGA				
6/16/88	37 <b>ORDER:</b> Evid hrg & oral argmt on defts' PT mtns set for 8/11/88 at 2:00 PM in GF. Cpys to cnsl/5, AUSA/GF, USM, USPO				
6/17/88	38 <u>Deft Creed Evans'</u> Motion to Suppress Evidence w/c/m				
6/17/88	39 <u>Deft Dan Burns'</u> Motion to Suppress Stmts & Evidence w/c/s [Exh A attached]				
6/20/88	40 <b>NOTICE:</b> Hrg on PT mtns set for 7/11/88 at 2:00 PM. Hrg previously set for 8/11/88 is VACATED. Cpys to cnsl/5, AUSA/GF, USM, USPO				
6/20/88	41 <u>Deft Evans'</u> Notice of Filing Substitutue Exhibit C w/c/m [cpy of Affid of Probable Cause attached]				
6/20/88	42 Pltf USA'S Response to defts' Evans, John Burns & Dan Burns' mtn to dismiss indict for unconstitutionality of statutes w/c/s				
6/20/88	43 Pltf USA'S Response to defts Evans, John Burns & Dan Burns' mtn to dismiss indict for violation of due process w/c/s -TO PGH				
6/21/88	44 <u>Deft John Burns'</u> Memo in sppt of PT Mtns w/c/m -TO PGH				
6/22/88	45 <u>Deft Creed Evans'</u> Request for Bill of Particulars w/c/s				
6/22/88	46 <u>Deft Creed Evans'</u> Motion to Sever w/c/s				
6/22/88	47 <u>Deft Creed Evans'</u> Memo in sppt of mtn to suppress evidence w/c/s [Exh A-D attached]				
6/22/88	48 Pltf's Notice of Filing Exhibit A which was omitted from Pltf's resp to defts' mtn to dismiss indict for viol of due process filed 6/20/88 w/c/s [cpy of Exh A attached]				
6/22/88	49 Pltf's Response to defts' Evans, John Burns & Dan Burns mtn to dismiss indict for failure to state an offense w/c/s				

Interval  
(per Section II)Start Date  
End DateLtr. Total  
Code Days

AO 256A

Yr. Docket No. Def.

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
6/2/88	25 <u>Deft John Burns</u> joins in mtns file by deft Creed Miles Evans to: 1/dismiss indict for failure to state an offense; 2/dismiss indict for viol of due process; 3/dismiss indict on basis of unconstitutionality of statutes. Deft adopts memo already on file by Deft Creed Evans w/c/m.		6-2-88	7.2	34
6/6/88	26 Pltf's Motion for ext of 14 days to file response to mtns to dismiss of defts Creek Evans & John Burns w/c/s				
6/6/88	-- LODGED proposed order re mtn #26-TO PGH				
6/8/88	27 <b>ORDER:</b> Pltf is granted to 6/20/88 to file a resp to mtns to dismiss of defts Creed Evans & John Burns. Cpys to cnsl/3, AUSA/GF w/c/clk				
6/8/88	28 <u>Deft John Burns'</u> Motion for Discovery w/c/m				
6/9/88	29 <u>Deft Creed Evans'</u> obj to govt's mtn for ext of 14 days to file response to mtns to dismiss filed by defts Evans & Burns w/c/m				
6/10/88	30 <u>Deft Krapf's</u> Motion to Sever w/c/s				
6/10/88	31 <u>Deft Krapf's</u> Brief in Sppt of Mtn to Sever w/c/s				
6/10/88	32 <u>Deft Dan Burns'</u> Objection to pltf's mtn for ext of 14 days to file response to mtns to dismiss w/c/m				
6/10/88	33 <u>Deft Dan Burns'</u> joinder in mtns filed by defts Evans & John Burns to: dismiss indictment for failure to state an offense; dismiss indict for viol of due process; dismiss indict on basis of unconstitutionality of statutes w/c/m				
6/10/88	-- C/C Butte issued 4 subpoenas on behalf of USA-handed origs & 2 cpys ea to AUSA/BU				
6/13/88	34 <u>Deft John Burns'</u> PT Motions & obj to USA'S mtn for ext to file brief in oppos to defts' mtns to dismiss w/c/m				
6/15/88	35 Pltf USA'S Opposition to Motion to Sever filed by deft Krapf w/c/s attchd to doc #36				
6/15/88	36 Pltf USA'S Memo of Law re oppos to mtn to sever w/c/s - TO PGH				
6/16/88	37 <b>ORDER:</b> Evid hrg & oral argmt on defts' PT mtns set for 8/11/88 at 2:00 PM in GF. Cpys to cnsl/5, AUSA/GF, USM, USPO				
6/17/88	38 <u>Deft Creed Evans'</u> Motion to Suppress Evidence w/c/m				
6/17/88	39 <u>Deft Dan Burns'</u> Motion to Suppress Stmts & Evidence w/c/s [Exh A attached]				
6/20/88	40 <b>NOTICE:</b> Hrg on PT mtns set for 7/11/88 at 2:00 PM. Hrg previously set for 8/11/88 is VACATED. Cpys to cnsl/5, AUSA/GF, USM, USPO				
6/20/88	41 <u>Deft Evans'</u> Notice of Filing Substitutue Exhibit C w/c/m [cpy of Affid of Probable Cause attached]				
6/20/88	42 Pltf USA'S Response to defts' Evans, John Burns & Dan Burns mtn to dismiss indict for unconstitutionality of statutes w/c/s				
6/20/88	43 Pltf USA'S Response to defts Evans, John Burns & Dan Burns mtn to dismiss indict for violation of due process w/c/s -TO PGH				
6/21/88	44 <u>Deft John Burns'</u> Memo in sppt of PT Mtns w/c/m -TO PGH				
6/22/88	45 <u>Deft Creed Evans'</u> Request for Bill of Particulars w/c/s				
6/22/88	46 <u>Deft Creed Evans'</u> Motion to Sever w/c/s				
6/22/88	47 <u>Deft Creed Evans'</u> Memo in sppt of mtn to suppress evidence w/c/s [Exh A-D attached]				
6/22/88	48 Pltf's Notice of Filing Exhibit A which was omitted from Pltf's resp to defts' mtn to dismiss indict for viol of due process filed 6/20/88 w/c/s [cpy of Exh A attached]				
6/22/88	49 Pltf's Response to defts' Evans, John Burns & Dan Burns mtn to dismiss indict for failure to state an offense w/c/s				

Interval  
(per Section II)Start Date  
End DateLtr. Total  
Code Days

AO 256A

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
	(Document No.)				
6/22/88	-- C/C Butte issued 2 subpoenas-handed orig's & 2 cpys ea to AUSA/BU				
6/23/88	-- C/C Butte issued 34 subpoenas-handed orig's & 2 cpys ea to AUSA/BU				
6/24/88	-- C/C Butte issued 24 subpoenas-handed orig's & 2 cpys ea to AUSA/BU				
6/27/88	50 USA'S Motion for ext of time, 2 days, to file response to deft Creed Evans' mtn for disc w/c/m				
6/27/88	-- LODGED proposed order re mtn #50-TO PGH				
6/29/88	51 ORDER: Pltf is granted to 6/29/88 to file resp to deft Creed Evans' Mtn for Discovery. Cpys to cnsl/2, AUSA/GF				
6/29/88	52 Notice of Filing-Exh. A which was inadvertently omitted from Gvnt.'s Response to Deft.'s Mtn. to Dismiss Indct.				
6/30/88	53 Memo. of Deft., Dan Michael Burns, In Support of Mtn. to Suppress Evidence-w/c/s.				
6/30/88	54 USA's Opposition to Mtn.s to Suppress				
6/30/88	55 Memo. In Opposition to Mtns. to Suppress-w/c/m.				
6/30/88	-- Iss'd. 1 orig. Subp., handed orig. w/2 cpys. to US Atty. Butte for service.				
7/05/88	56 Subps. rtn'd. (4) [serv. 06/22/88 on Wayne P. Moran] [serv 06/22/88 on Katherine Loehler sec. for Charles Lanham] [serv. 06/22/88 on Katherine Koehler sec. for Edward M. Owen, Jr.] [serv. 06/22/88 on Denise Brown NEA Specialist for Terry Cates]				
7/05/88	57 USA Opposition to Mtn. to Sever-w/c/m.				
7/05/88	58 USA Opposition to Mtn. for Bill of Particulars-w/c/m.				
7/05/88	-- Iss.'d 1 orig. Subp. handed orig. w/2 cpys. to US Atty. Butte for service.				
7/05/88	59 Deft. Evans' Reply to Gvnt.'s Response to Mtn. to Dismiss Indict. on the Ground of Unconstitutionality of Statutes w/c/m.				
7/05/88	60 Deft. Evans' Reply to Gvnt.'s Response to Mtn. to Dismiss Indict. for Failure to State and Offense-w/c/m.				
7/05/88	61 Deft. Evans' Reply to Gvnt.'s Response to Mtn. to Dismiss Indict. for Violation of Due Process-w/c/m.				
7/05/88	62 Deft. Evans' 2nd Demand for Exculpatory Evid. withheld by the Gvnt. & Addenda to Mtn. to Dismiss for Failure to State Offense & for Violation of Due Process & to Suppress-w/c/m.				
07/06/88	63 Reply Memo. of Deft. JOHN W. BURNS In Support of His Mtns. to Dismiss-w/c/m.				
07/07/88	-- Iss'd 1 orig. subp. handed Orig. w/2 cpys to USA Butte for service				
07/11/88	-- Entered Record of Court Proceedings; PT Mtns.; [Lisa Lewis crt. rpt'r.] Prior to Hring. on Mtns. AUSA/Brooks moved for the admission of Larry L. Nickell as Spec. AUSA for purposes of this case only, crt. Granted. Nickell is from US Treasury Dept. BATF, San Francisco, Calif. 2:00 p.m. W/Crt. AUSA/Brooks, Nickell, Defts. cnsl. Cotter, Zadick, Bauer & Randono present & all deft.'s present. Cotters' Mtn. to admitt Stephen Hall brook for purposes of this case only, Granted by crt. Cotters'Mtn. to exclude witnesses from crtroom Granted. Julius Watchtell Special Agent US Treasury, BATF, Helena, was S/T in USA's behalf, in re to Suppression Mtns.				



AO 256A

Yr. Docket No.

DATE	PROCEEDINGS (continued)		V. EXCLUDABLE	
	(Document No.)		(a)	(b)
		<u>MINUTE ENTRY CONTINUED:</u>		
		All defense cnsls. cross-exam of Watchtell. Deft. (EVANS) Exhs. A, 4 & 3 were marked offered & ad. wo/obj. Deft. (EVANS) Exhs. 1, D & 2 were marked. USA's Exh. 1 was marked. Brooks re-direct exam of Watchtell. Crt. excused Watchtell. Crt. questions respective cnsl. in re to their remaining Mtns. @ issue & their reasons for not being able to go to trial on 07/19/88 @ 9:30 a.m. Cnsl. resonded. Crt. cont. this matter until 07/14/88 @ 9:00 a.m.		
07/11/88	5:20 p.m. Crt. in recess			
	64 Subps. rtnd. 15 by USA			
	Serv. Sharon Bailey on 07/06/88			
	Serv. Randall Callison on 07/06/88			
	Serv. Rolando Campos on 06/30/88			
	Serv. Curtis Hawley on 07/06/88			
	Serv. Diana Offa 06/30/88			
	Serv. Mara Holley on 07/06/88			
	Serv. Virginia Leininger on 07/06/88			
	Serv. Patricia Meyer on 07/06/88			
	Serv. Steve Middlesworth on 07/05/88			
	Serv. Brad Nelson on 07/05/88			
	Serv. Albins O'Loughlin on 07/06/88			
	Serv. Hayes Otonpalik on 07/05/88			
	Serv. Rex Seeley on 07/06/88			
	Serv. George Waggoner on 07/05/88			
	Serv. Dpty. Douglas Welch on 07/05/88			
07/12/88	65 Deft. <u>Dan Michael Burns</u> Waiver of Speedy Trial-w/c/m.			
07/12/88	66 Deft. <u>Dan Michael Burns</u> Mtn. for Cont. of Trial-w/c/m.			
07/12/88	67 Deft. <u>John W. Burns</u> Mtn. for Order to Require Discvy.-w/c/m.			
07/12/88	68 Deft. <u>John W. Burns</u> Mtn. for Cont. of trial set for 07/19/88 Deft. John Burns does not feel that Speedy Trial should be charged against them-w/c/m.			
07/12/88	69 Deft. <u>John W. Burns</u> Proposed Jury Instructions-w/c/m.			
07/12/88	70 Subps. rtnd. 5 USA			
	Serv. David Reiniche on 07/05/88			
	Serv. Martin Lair on 07/01/88			
	Serv. Robert Hill on 07/05/88			
	Serv. Robert Nagode on 07/05/88			
	Serv. Janae Frost on 07/07/88			
07/12/88	71 Deft. <u>Creed M. Evans</u> Mtn. to Dismiss for GJ Misconduct w/c/s.			
07/12/88	72 Deft. <u>Evans</u> Memo In Support of Mtn. to Dismiss for GJ Misconduct w/c/s.			
07/12/88	73 Deft. <u>Creed M. Evans</u> Mtn. for Cont. of Trial set for 07/19/88-w/c/s.			
07/12/88	74 Deft. <u>Evans</u> Memo. In Support of Mtn. for Cont. of Trial w/Aff. attached Waiving Speedy Trial-w/c/s.			
07/12/88	75 Aff. of Michael W. Cotter cnsl. for deft. Creed M. Evans			
07/12/88	76 Deft. <u>Creed M. Evans</u> Requested Jury Instructions			
07/13/88	77 USA's Response to John William Burns' Mtn. for Discvy. w/c/m. Orig. to be substituted.			



AO 256A

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
	(Document No.)				
7/13/88	78 <u>Deft. John William Burns joins in Mtn. of deft. Creed M. Evans to dismiss the Indict. for GJ misconduct-w/c/m.</u>				
7/14/88	79 <u>INFORMATION FOR Deft. MARK JOHN KRAPF</u>				
7/14/88	80 <u>PLEA AGREE. for Deft. Mark John Krapf</u>				
7/14/88 **	-- Entered Record of Proceedings; PT Mtns.cont. from 07/11/88 [Lisa Lewis crt. rptr.] 9:00 a.m. W/Crt., AUSA/Brooks, Special ASUA/Nickell, all deft.'s & all ret. cnsl., Cotter, Zadick, Bauer & Randono present. At this time the Crt. looked @ completed Machine Gun. 9:06 a.m. Randono stated to crt. that his Clinet KRAPF had signed a plea agree & new Infor. had been filed. Brooks concurs w/stmt. No obj. from other cnsl. & Randono & KRAPF excused from this hring. C/P hring. to be set. 9:08 a.m., Zadicks' Mtn. to Sever his clinet from other defts. Brook's respond & all defts. cnsl. concur in Mtn. 9:10 a.m. Zadicks Mtn. in re to Discvy. matters. Cotters stmt. in re to same. Brooks stmt. in rebutal. Crt. Grants Mtn. of deft. Zadick that dets be furnished deft.'s w/all names shwoing, not blacked out. Zadick to furnish cr. w/proposed order. All Defense cnsl. submit Mtns. in re to further discovy. maters, Brad Material Upons crt.s request, Brooks stmt. to Crt. in re to what constitutes his Conspiracy Charge in the Indct. Zadick, Cotter & Bauer's stmts. in re to same. Brooks stmt. in rebutal. John G. Krogman, William Haverstick, Lance Hart, Brian Downey, John William Burns & Dan Michael Burns were all duly S/T. Deft. EVANS Exhs. 5, 6, 7, 8, 9 & 10 were marked, off. & ad. wo/obj. Deft. D.M. BURNS Exhs. 1, 2 & 3 were marked, off. & ad. wo/obj. Deft. J.W. BURNS Exh. 1 was marked, offered & ad. wo/obj. Deft. J.W. BURNS Exh. 2 was marked off. & ad. with objs. 4:09 p.m. crt. cont. matter to 07/15/88 @ 9:30 a.m. & crt. in recess. 7/15/88 -- Entered Record of Crt. Proceedings; Continuation of PT Mtns.; [Lisa Lewis crt. rptr.] 9:30 a.m. w/ all present PT Mtns. hring. resumed. Brook's argument to Crt. in re to Maranda, False Stmt. of Aff., Consent to Search Argument by Nickell. Zadicks Argument to Crt. in re to Suppression of Stmt. made by J.W. Burns. Cotter's Argument to Crt. in re to False Stmt. of Aff. & no Criminal Intent. Bauer's Arguemnt to Crt. in re to False Stmt. of Aff. Maranda & Suppression of Stmt. made by D.M. Burns. Brook's Arugment in rebuttal of Defense cnsl.s arguments. Cotter's response. Nickell's response. Crt. Ordered TWJ set for 07/19/88 be VACATED. Crt. takes all mtns. under advisement. 10:15 a.m. Crt. in recess.				

Interval  
(per Section 11)Start Date  
End DateLtr. Total  
Code Days

AO 256A

Yr. | Docket N.

DATE	PROCEEDINGS (continued)		V. EXCLUDABLE	
	(Document No.)		(a)	(b)
07/15/88	81	USA's & all Deft.'s Witness List		
07/15/88	82	Exhibit List for all parties		
07/15/88	83	Notice of C/P Hring.--C/P Hring. set for 07/20/88 @ 9:30 a.m.-cpys. to AUSA/Brooks, AUSA/GF, Randono, USPO & USM.		
07/15/88	84	Certificiate of Service-by Cotter of his Requested Jury Insts.		
07/15/88	--	<b>ALL Exhibits from PT Mtns. Hring. in VAULT.</b>		
** 07/14/88	85	Subps. rtnd. [Serv. 07/05/88 on Mary Riker-2 Subps. same Date of service] [serv. 07/05/88 on John Mott]		
07/14/88	86	Subps rtnd. on behalf of USA; [serv. 07/05/88 on Clifford Piequet] [serv. 07/01/88 on Richard Tummerman] [serv. 07/05/88 on Allan Carlson] [serv. 07/07/88 on Brian Busch] [serv. 07/07/88 on James Kelly Reed] [serv. 07/11/88 on Eugene S. Hawes] [serv. 07/11/88 on Richard Blaine] [serv. 07/07/88 on Dan Korn] [serv. 07/07/88 on David M. Delcia] [serv. 07/01/88 on Bruce Witherell] [serv. 07/01/88 on Mark T. Harlan] [serv. 07/07/88 on Robert Gee] [serv. 07/01/88 on Michael Miguez] [serv. 07/01/88 on Dennis Russell] [serv. 07/06/88 on Norman Shofner] [serv. 07/05/88 on Steven R. Price] [serv. 07/01/88 on Ronald G. Barlow] [serv. 07/05/88 on Gene D. Riggs]		
7/18/88	87	<b>ORDER:</b> Based on deft John Burns' mtn, pltf to provide defts w/complete cpys of documents previously produced & to be produced from files of Bureau of Alcohol, Tobacco & Firearms. Cpys to cnsl/5, AUSA/GF		
07/20/88	--	Entered Record of Crt. Proceedings; Change of Plea for <b>Deft. Mark John Krapf</b> ; [Lisa Lewis Crt. Rptr.] W/Crt. AUSA/Rostad, deft. & his ret. cnsl. Randono & USPO/McElhenney present. Randono's Stmt. to crt. in re to Plea Agree. Plea Agree, is unconditional, deft. will testify @ trial of co-defts., USA will recommend no incarceration & remain silent @ Setn. Crt. advised deft of all rights undr the law. Deft. entered plea of GUILTY to Superseding Infor. Deft.'s stmt. in re to facts of incident. USA's Stmt. of Proof. Crt. accepts plea as being freely & voluntarily made. Crt. Ordered Sentencing set for 08/29/88 @ 11:00 a.m. & Ordered PSR be submitted by USPO prior to Sent. date.		
07/20/88	88	Notice of Sentencing; Sent. for <b>Deft. Mark John Krapf</b> set for 08/29/88 @ 11:00 a.m.-cpys. to AUSA/Brooks, AUSA/GF, Randono, USPO & USM.		
07/21/88	89	<u>Transcript</u> of Change of Plea Proceedings on 07/20/88 for <b>Deft. MARK JOHN KRAPF</b>		
07-24-88	90	Twelve (12) Subpoenas rtnd w/svc for hearing on 7/19/88 for USA: (1) Keith Garretty svd 7/11/88; (2) Russell Henningsgaard 7/11/88		

Interval  
(per Section 11)Start Date  
End Date

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
	(Document No.)				
7-24-88	Twelve (12) Subpoenas rtnd cont.----- (3) Terry Brockman svd 7/12/88; (4) Gordon Lee Col svc 7/11/88; (5) Burke May svc 7/8/88; (6) Robert Snell svd 7/11/88; (7) Gary Roper svd 7/7/88; (8) Carol McGreal svc 7/11/88; (9) Eugene L. Sherman svc 7/12/88; (10) Dennis Peterson svc 7/11/88; (11) Wm Henderson svd 7/6/88; (12) Stephen Sombart svd 7/13/88				
7-24-88	91 Pltff's Response to Mtn to Dismiss of John Wm Burns w/c/s/m--TO PGH				
8/4/88	92 Orig Subpoenas w/rtn on following: Neil Tillett svd 7/15/88 Noel Philip Larson svd 7/19/88				
8/26/88	93 Order Cont. Sentencing; Deft. <b>KRAPF</b> Sent. set for 08/29/88 @ 9:30 a.m. be cont. to 1:30 pm on same date-w/c/c/m to AUSA/Brooks, AUSA/GF, Randon, Cotter, Higgins, Bauer, USPO & USM.				
1/29/88	94 Deft. Krapf;s Sentencing Letters				
1/29/88	-- Entered record of crt. proceedings; SENTENCING [Deft. Mark John Krapf] [Lisa Lewis crt. rprr.] W/crt. AUSA/Darragh, deft. & his ret. cnsl. R. Randon & USPO's Pattee & Waters present. All parties have cpy. of PSR no corrections. Randon's stmt. to crt. in re to sent. recommends unsupervised prob. period less than 1 yr. Darraghs stmt. to crt. in re to sent., recommends no jail time, any prob. to crt's discretion. Crt. ordered that deft. be fined in the sum of \$200.00 & to pay CVF \$50.00.				
1/29/88	-- Confidential Presentence Report [left side of file]				
1/29/88	-- Receipt #16169 in the amt. of \$200.00 Can 400 for Deft. Krapf fine.				
8/31/88	95 FILED & ENTERED IN CRIMINAL DOCKET VOLUME 9, PAGE 48/JUDGMENT & ORDER: Deft convicted on plea of guilty of offense charged in info. Crt notes sent is not imposed under Sent Reform Act, but under prior law. ORDERED & ADJUDGED that deft <b>KRAPF</b> pay US fine in amt of \$200 immed. \$50 CVF pursuant to 3013. 5 cert cpys to USM/GF, 2 cpys to USPO, cpys to cnsl/2, AUSA/GF				
9/02/88	96 <u>Transcript of Sentencing Proceedings on 08/29/88 on Deft.</u> <u>KRAPF</u>				
10/14/88	97 SATISFACTION OF JUDGMENT-case pd or otherwise settled, Clk is authorized to satisfy judgment. Cpys to cnsl/2, USM, USPO[Krapf]				
2/14/88	98 <b>PLEA AGREEMENT</b> [Dan Burns]				
2/14/88	99 Deft Dan Burns' Motion for hrg to change plea				
2/14/88	-- LODGED proposed order re mtn to change plea -TO PGH				
12/15/88	100 ORDER: Change of Plea set for 12/20/88 at 2:00PM. Cpys to cnsl/2, AUSA/GF, USM, USPO, Crt Reporter [DAN BURNS]				
12/20/88	-- ENT REC OF CRT PROCEEDINGS/Change of Plea for <u>DAN BURNS</u> : Crt, AUSA/Darragh, deft ret cnsl/Bauer, deft & USPO/Pattee present. Deft cnsl agrees that uspers info can be filed. Crt reviews plea agmt: Deft will plead guilty to Cnts 1 & 2 of supers info & AUSA will make recomb. Crt advises re possible penalty & rights to trial & appeal. Deft pleads nolo to Cnts 1 & 2 of supers info; AUSA states obj; crt overrules obj. Deft agrees to be sent at this time. Crt's				

AO 256A

Yr. Docket No.

DATE	PROCEEDINGS (continued) (Document No.)	V. EXCLUDABLE	
		(a)	(b)
12/20/88	-- Crt proceedings cont: judg: Deft fined \$100 ea cnt [\$200] & \$25. CVF on ea cnt [\$50]. Crt orders post sent report		
12/20/88	-- Receipt #16421-\$50 CVF & \$200 fine pd in cash [\$250 total]		
12/20/88	101 <b>SUPERSEDING INFORMATION FOR DAN BURNS</b>		
12/27/88	102 <b>Judgment &amp; Order-Filed &amp; Entered In Criminal Docket</b> Volume 9 Page 70 Deft. <u>Dan Michael Burns</u> ; Deft. pay \$250.00 consisting of: Ct. I, fine of \$100.00 & special assessment of \$25.00 CVF. Ct. II fine of \$100.00 & special assesment of \$25.00 CVF. Sum to be paid immediately-w/c/c/m to AUSA/Brooks-2 cert. cpys., AUSA GF, Bauer, USPO-2 cpys. & USM/5 cert. cpys.		
12/28/88	103 <b>Transcript of Change of Plea &amp; Sentencing Proceedings on 12/20/88</b>		
12/28/88	104 Satisfaction of Monetary Judgment-w/c/m. <u>Dan Burns</u>		
01/04/89	105 Order Granting excludable delay from 07/20/88 to 12/20/88 for a total of 152 days. <u>Dan Burns</u>		
03/06/89	--- Post Presentence Report Deft. <u>DAN MICHAEL BURNS</u> [left side of file.]		
05/16/89	106 <b>MEMORANDUM &amp; ORDER</b> --Mtns. to Dismiss of deft.'s Evans & J.W. Burns are DENIED. TWJ set for 06/06/89 @ 9:30 a.m. Charge to jury by 05/30/89-w/c/c/m to AUSA/Brooks, Cotter, Zadick, Bauer Randono, USPO.		
05/18/89	--- Lodged Proposed Stip. for Subt. of Cnsl.-William L. Burns of law firm Peterson, Peterson, Burns & Shors be subst. as cnsl. of record for deft.'s John William Burns & Dan Michael Burns in place of Ugrin, Alexander, Zadick & Slovak w/proposed order-to PGH		
05/19/89	107 <b>Stipulation for Substitution of Cnsl. &amp; Order</b> --law firm of Peterson, Person, Burns & Shors be subst. as cnsl. for deft.'s John William Burns & Dan Michael Burns in place of law firm Ugrin, Alexander, Zadick & Slovak w/c/c/m to AUSA/Brooks, M. Cotter, Zadick, Wm. Burns.		
05/22/89	108 Order Granting Excludable delay from 05/28/88 to 04/16/89 for a total of 351 days. <u>Deft. Creed Miles Evans</u>		
05/22/89	109 Order Granting Excludable delay from 06/03/88 to 04/16/89 for a total of 348 days. <u>Deft. John William Burns</u>		
5/23/89	-- Issued 18 subpoenas-handed origs & 2 cpys ea to AUSA/BU		
5/23/89	-- Issued subpoena for Michael Miguez-C/C Butte handed orig to AUSA/BU		
05/26/89	110 <b>MEMORANDUM &amp; ORDER</b> --Mtn.s to Suppress of both deft.'s Evans & John Wm. Burns are DENIED in their entirety w/c/c/m to AUSA/Brooks, Cotter, Burns, USPO, Bauer & Randono.		
05/26/89	111 Deft. Creed Evans' Mtn. to Reconsider the Court's Memo. & Order of 05/16/89-w/c/m.		
05/26/89	112 Memo. In Support Deft. Creed Evans' Mtn. to Reconsider the Crt.'s Memo. & Order of 05/16/89-w/c/m.		
05/30/89	113 Gvnt.'s Mtn. to Dismiss Ct.'s 17, 18, 21, & 26 through 34 reasons 1/ cts. are cumulative & some refer to indiv. who have already plead. 2/ delays w/getting to trial sufficient evidence no longer exists to sustain burden 3/ trial to take considerable time & by dismissing cts. approximately 20 witnesses can be dismissed-wcm.		
05/30/89	--- Lodged Proposed Order in re to #113 to PGH		



UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET

#1 Creed Evans  
#2 John Burns

CR-88-35-GF-PGH

AO 256A

DATE	PROCEEDINGS (continued)		V. EXCLUDABLE DELAY			
			(a)	(b)	(c)	(d)
	(Document No.)					
5/30/89	114	Gvnt.'s Mtn. for Ext. of Time for add. 1 day to file charge to jury-w/c/m.				
5/30/89	---	Lodged Proposed Order in re to #114 to PGH				
5/31/89	115	ORDER--Ct.'s 17, 18, 21 & 26 through 34 of Indict are dismissed-w/c/c/m to AUSA/Brooks, Cotter, Burns, USPO				
5/31/89	116	ORDER--Pltf. has to & including 05/31/89 to prepare & file their charge to jury--w/c/c/m to AUSA/Brooks, Cotter, Burns				
5/31/89	117	Deft. Evans Mtn. to Vacate The Trial; for reason that mtns. are pending. Evns' request for Bill of Particulars filed 06/22/88 to which the gvnt. has not responded. For medical reasons of deft.'s cnsl. W/Aff. of Cotter attached-deft. will waive speedy trial & gvnt. has no obj.-w/c/m				
5/31/89	118	Pltf/USA'S Jury Narrative w/c/s [cpy for crt]				
5/31/89	119	Deft Creed Evans' requested jury instructions [cpy for crt]				
6/1/89	120	Deft John Burns' Motion to Dismiss w/c/m				
6/1/89	121	Deft Creed Evans' Motion in Limine re ref to type of firearm w/c/s				
6/1/89	122	Deft Creed Evans' Memo in sppt of mtn in limine w/c/s				
6/1/89	--	Recd ltr from Cotter re deft Creed Evans' mtn for disc filed 5/27/88 [orig to PGH]				
6/1/89	123	Pltf/USA'S Obj to granting mtn to vacate trial w/c/s				
6/1/89	124	Pltf/USA'S opposition to mtn to dismiss of John Burns w/c/s				
6/1/89	--	C/C Butte issued subpoena for John Meister-handed orig to AUSA/BU				
6/2/89	125	Deft Creed Evans' Response to gov't obj to mtn to vacate trial w/c/m				
6/2/89	126	Deft John Burns' Memo in sppt of mtn to dismiss for lack of ST w/c/m				
6/5/89	--	Issued 22 subpoenas in blank-handed origs to deft cnsl				
6/6/89	127	MEMO & ORDER: Deft John Burns' mtn to dismiss is DENIED. Cyps to cnsl/2, AUSA/GF, USM, USPO				
6/6/89	--	ENT REC OF CRT PROCEEDINGS/Change of Plea & Sentencing: Crt, AUSA/Brooks, deft ret cnsl/William Burns & deft present. AUSA advises re plea agmt: AUSA will file supers info, deft will plead nolo & AUSA will dismiss orig indict. Crt advises deft re rights to trial & appeal. Deft pleads nolo to supers info. AUSA'S mtn to dismiss indict; crt grants. Deft waives PSR. AUSA makes obj to nolo plea; crt overrules. Crt accepts nolo plea. Crt's judg: deft fined \$100 on ea cnt [\$200.] & forfeiture of parts. Crt executes order to dismiss Cnts 2-10 & 37 [John Burns]				
6/6/89	--	Receipt #17343 for \$200. cash for pmt of fine [John Burns]				
6/6/89	128	PLEA AGREEMENT [John Burns]				
6/6/89	129	SUPERSEDING INFORMATION [John Burns]				
6/6/89	130	Pltf/USA'S Motion to Dismiss Cnts 2-10 & 37 of indict against John Burns				
6/6/89	131	ORDER> Cnts 2-10 & 37 of indict against John Burns are DISMISSED. Cyps to cnsl/2, AUSA/GF, USM, USPO				
06/06/89	---	Entered Record of Crt. Proceedings; Trial With Jury Day (1); 9:20 a.m. W/Crt., AUSA/Brooks, Larry Nickells, deft. EVANS w/ret. cnsl. Cotter in chambers. Crt. advised cnsl. that all outstanding mtns. are denied. Crt. GRANTED deft.'s				

Lisa Lewis  
crt. rprr.

AO 256A

Yr. Docket No.

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE D		
	(Document No.)	(a)	(b)	(c)
	<p>Day (1) of TWJ cont.</p> <p>Mtn. In Limine that machine gun not be referred to by any other name.</p> <p>9:40 a.m. W/Crt., AUSA/Brooks, ATF cnsl. Nickell, Agent Watchatel, deft. EVANS w/ret. cnsl. Cotter &amp; (51) prospective jurors present, trial commenced. Crt. questioned jurors as to their qualifications to serve as jurors, Oath #1 Margaret Delger excs. by crt. Cnsl. introduces themselves &amp; clients &amp; agensts. Katherine Sabo, Thomas Majerus, Sarah Duncan, Richard Jallings, David Jensen, Gary Blakemore, Thomas Kohut, Russell Verplogen &amp; Lon Peterson excused for cause. (34) prospective jurors called. Crt.'s voir dire. Donald Larson excs. &amp; Allen F. Woodwick drawn as prospective juror.</p> <p>10:21 a.m. Gvnt.'s voir dire. Brooks passes jurors for cause.</p> <p>10:24 a.m. deft.'s voir dire. Betty Westbur excs. for cause &amp; Lloyd Olson drawn as prospective juror. Deft. passes jurors for cause.</p> <p>10:45 a.m. Peremptory Challgnees</p> <p><u>Gvnt.'s Challenges</u></p> <p>1/ Allan Woodwick</p> <p>2/ Rita Johnson</p> <p>3/ Lloyd Olson</p> <p>4/ Pass</p> <p>5/ Pass</p> <p>6/ Pass</p> <p>Alternate: Janet Mansikka</p> <p><u>Defendant's Challenges</u></p> <p>1/ Carol Bain</p> <p>2/ Betty Barnhart</p> <p>3/ Pass</p> <p>4/ Pass</p> <p>5/ Pass</p> <p>6/ Pass</p> <p>7/ Pass</p> <p>8/ Pass</p> <p>9/ Pass</p> <p>10/ Pass</p> <p>Alternate: Bonnie Hayes</p> <p><u>JURORS CHOSEN</u></p> <p>1/ Deanna Baker</p> <p>2/ Silas Carter</p> <p>3/ Richard Oksa</p> <p>5/ Lloyd Wollery</p> <p>6/ Hazel Emerson</p> <p>Alt. #1: Scott Fossum</p> <p>Alt. #2: Charles Turner</p> <p>7/ Kenneth Brandvold</p> <p>8/ Patricia McQuire</p> <p>9/ Yoshiko McManus</p> <p>10/ Geraldine Briere</p> <p>11/ Charlotte Hanson</p> <p>12/ Laurie Brown</p> <p>11:00 a.m. Crt. thanked &amp; excused jurors not chosen</p> <p>11:03 a.m. Crt. read preliminary insts. to jurors.</p> <p>1:09 a.m. crt. recess subject to call</p>			

UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET

AO 256A

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
	(Document No.)				
	11:25 a.m. w/all present, trial resumed @ which time Brooks gave gvnt.'s Opening Stmt. to jurors.				
	11:38 a.m. Cotter gave deft.'s Opening Stmt. to jurors.				
	12:02 p.m. Crt. admonished & excs. jurors until 1:30 p.m.				
	1:28 p.m. trial resumed.				
	1:30 p.m. John William Burns S/T gvnt.'s behalf.				
	Pltf.'s Exh.'s 1, 2, 5, 3, 6, 7, 9 admitted into evidence				
	2:47 p.m. crt. in recess. Cross-exam of Burns will be done on 06/07/89.				
	3:11 p.m. trial resumed at which time Shawn Bryant, S/T gvnt.'s behalf.				
	Pltf.'s exh.'s 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31 & 32 were admitted into evidence.				
	4:01 p.m. cross-exam of Bryant by Cotter				
	4:06 p.m. Witness Bryant excs.				
	4:07 p.m. Rex Seeley S/T in gvnt.'s behalf.				
	4:38 p.m. cross-exam of Seeley by Cotter.				
	5:07 p.m. Crt. admonished & excs. jurors until 06/07/89 @ 9:00 a.m.				
06/06/89	132 Jury List W/Challenges				
06/07/89	--- Entered Record of Crt. Proceedings; <u>Trial With Jury Day (2);</u>				
Lisa Lewis	9:00 a.m. W/Crt., cnsl., deft. & all jurors present trial resumed.				
crt. rptr.	Susan Reed, S/T gvnt.'s behalf.				
	Pltf.'s Exh. 34, 35, 37, 39, 40,				
	9:24 a.m. cross-exam of Reed by Cotter.				
	9:26 a.m. Witness Reed excs.				
	9:28 a.m. Rex Seeley recalled still under oath to cont. testimony on cross-exam.				
	Deft.'s Exh. OO, PP, QQ were admitted into evidence				
	10:03 a.m. re-direct exam of Seeley by Brooks.				
	10:18 a.m. re-cross exam of Seeley. Witness Seeley excused.				
	10:25 a.m. crt. in recess subject to call.				
	10:48 a.m. Trial resumed at which time John William Burns was recalled still under oath to give testimony on cross exam by Cotter.				
	Deft.'s exh.'s K, L, MM, NN, RR, SS, TT, were admitted into evidence.				
	11:35 a.m. re-direct exam of J.W. Burns by Brooks				
	11:53 a.m. re-cross exam of Burns by Cotter. Witness J.W. Burns excused.				
	11:57 a.m. crt. admonished & excs. jurors until 1:30 p.m.				
	1:29 p.m. w/all present trial resumed.				
	1:31 p.m. Terry L. Cates duly S/T in Gvnt.'s behalf.				
	Pltf.'s ec=xh. 33 was admitted.				
	1:43 p.m. cross-exam of Cates by Cotter				
	Deft. exh. T, V, UU, VV, were admitted into evidence.				
	2:38 p.m. re-direct exam of Cates by Brooks. Witness Cates excs. subject to recall.				
	2:41 p.m. crt. in recess subject to call				
	3:06 p.m. wo/jurors crt. & cnsl. discuss witnesses who will be granted immunity.				

Interval  
(per Section II)Start Date  
End DateLtr. Total  
Code Days

AO 256A @

Yr. Docket No.

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE D (a) (b) (c)
06/08/89	<p>(Document No.)</p> <p><u>Day (2) of Trial With Jury Cont.;</u></p> <p>3:08 p.m. w/jurors now present trial resumed at which time Wayne Moran duly S/T Gvnt.'s behalf. Pltf.'s Exh.'s 43, 44, were admitted. Deft.'s exh. WW was admitted</p> <p>3:56 p.m. re-direct exam of Moran by Nickell</p> <p>3:58 p.m. re-cross of Moran by Cotter. Witness Moran excs.</p> <p>4:00 p.m. William A. Henderson duly S/T in gvnt.'s behalf. Pltf.'s exh. 47, admitted.</p> <p>4:27 p.m. crt. in recess subject to call.</p> <p>4:36 p.m. w/all present trial resumed, Henderson cont. w/testimony on direct exam. Pltf.'s exh. 48, 50, 51, 52, 53, 54 were admitted.</p> <p>5:08 p.m. crt. admonished &amp; excs. jurors until 06/08/89 at 9:00 a.m.</p> <p>--- Entered Record of Crt. Proceedings; <u>Day (3) of Trial w/Jury;</u> [Lisa Lewis crt. rpt.]</p> <p>9:02 a.m. W/Crt., Cnsl., deft. &amp; 14 jurors present, trial resumed at which time Wm. A. Henderson cont. w/testimony on direct exam still under oath. Pltf.'s Exh. 46, 46A, 46B, 46C, 46D 46E, were admitted.</p> <p>9:12 a.m. cross-exam of Henderson by Cotter. Deft.'s exh.'s XX, XXA, YY were admitted.</p> <p>10:18 a.m. re-direct exam of Henderson by Brooks.</p> <p>10:40 a.m. re-cross exam of Henderson by Cotter. Deft.'s exh. ZZ was admitted.</p> <p>10:48 a.m. crt. in recess subject to call.</p> <p>11:02 a.m. w/all present trial resumed at which time crt. admonished &amp; excused jurors until 1:30 p.m.</p> <p>11:34 a.m. in chambers w/crt., cnsl. &amp; deft. present. Brooks states terms of Agree. Deft. will plead Nolo Contendra to (1) Ct. Flase Stmt., dropp all litigation, have right to appeal orders of this crt. USA recommend minimal fine &amp; no incarceration, deft. waives PSR. Deft. to dispose of all firearms w/i 75 days &amp; return w/i (75) days F.F.L.'s to ATF. Deft. &amp; all cnsl. agree this is agreement. Acts are before sent. guidelines. Crt. agrees to accept plea on terms of --Crt. wants 1 yr. prob. &amp; 100 hrs. of community service &amp; \$200.00 fine. Cnsl. &amp; deft. agree.</p> <p>11:54 p.m. crt. in recess until 1:30 p.m.</p> <p>1:23 p.m. w/all present trial resumed at which time crt. advised the jury that cnsl. &amp; deft. had reached a plea agree. Crt. thanked &amp; excused jurors.</p> <p>Deft.'s Mtn. to reconsider crt.'s prior rullings was DENIED. Plea Agree. filed w/crt. Proposed Infor. submitted. Crt. advised deft. of all rights under the law &amp; max. possible penaltys. Deft. will enter plea of Nolo Contendra to Infor. Crt. request cnsl. file Waiver. Crt. read Infor. to deft. Infor. to be filed. Deft. entered plea of Nolo Contendra, USA opposes nolo</p>	



UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET

AO 256A

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
	(Document No.)				
	<u>Day (3) of Trial With Jury Cont;</u>				
	contendra plea & Crt. accepts. Brooks stmt. of proof. Deft. waives PSR & crt. ordered Postsentence report be submitted. Crt. ordered that deft. be fined in the amt. of \$200.00, placed on 1 yr. prob. & to perform 100 hrs. of community service work to be arranged w/USPO. Deft. to dispose of all firearms in his possession w/i (75) days & return all Federal F.F.L.'s to BATF w/i (75) days. Crime before Sentencing Guidelines. Gvnt.'s Mtn. that all Ct.'s of Indict be dismissed was Granted by crt. 1:42 p.m. crt. in recess.				
06/08/89	133 Witness List				
06/08/89	134 Gvnt.'s Exhibit List				
06/08/89	135 Deft.'s Exh. List				
06/08/89	136 PLEA AGREEMENT Deft. EVANS				
06/08/89	137 INFORMATION Deft. EVANS				
06/08/89	138 Waiver of Indict.-deft. EVANS				
06/08/89	139 Gvnt.'s Mtn. to Dismiss Indict. pursuant to plea agree				
06/08/89	140 Gvnt.'s Mtn. to grant immunity to WILLIAM A. HENDERSON w/c/s in person				
06/08/89	141 ORDER--Immunity be granted to w/c/c/m to cnsl.-3.				
06/08/89	142 Gvnt.'s Mtn. to grant immunity to w/c/s in person.				
06/08/89	143 ORDER--Immunity granted to w/c/c/m to cnsl.-3.				
06/08/89	144 Gvnt.'s Mtn. to grant immunity to William I. Gann, Jr. w/c/s in person.				
06/08/89	145 ORDERImmunity granted to William I. Gann, Jr. w/c/c/m to cnsl.3.				
06/08/89	146 Gvnt.'s Mtn. to grant immunity to Eugene L. Sherman w/c/s in person.				
06/08/89	147 ORDERImmunity granted to Eugen L. Sherman w/c/c/m to cnsl.3.				
06/08/89	148 Gvnt.'s Mtn. to grant immunity to Noel Philip Larson w/c/s in person.				
06/08/89	149 ORDERImmunity granted to Noel Philip Larson w/c/c/m to cnsl.3.				
06/08/89	150 Gvnt.'s Mtn. to grant immunity to James Kelly Reed w/c/s in person.				
06/08/89	151 ORDERImmunity granted to James Kelly Reed w/c/c/m to cnsl.3.				
06/08/89	152 Gvnt.'s Mtn. to grant immunity to Gene D. Riggs w/c/s in person.				
06/08/89	153 ORDER--Immunity granted to Gene D. Riggs w/c/c/m to cnsl.-3.				
06/08/89	154 Gvnt.'s Mtn. to grant immunity to Richard P. Timmerman w/c/s in person.				
06/08/89	155 ORDER--Immunity granted to Richard P. Timmerman w/c/c/m to cnsl.-3.				

Interval  
(per Section II)Start Date  
End DateLtr. Total  
Code Days

AO 256A \*

Yr. Docket No.

DATE	PROCEEDINGS (continued)		V. EXCLUDABLE D		
	(Document No.)		(a)	(b)	(c)
06/08/89	156	Gvnt.'s Mtn. to grant immunity to Leslie Clarnece Arneson w/c/s. in person			
06/08/89	157	ORDER--Immunity granted to Leslie Clarnece Arneson w/c/c/m to cnsl.-3.			
06/08/89	158	Gvnt.'s Mtn. to grant immunity to robert herman redland w/c/s in person.			
06/08/89	159	ORDER--Immunity granted to Robert Herman Redland w/c/c/m to cnsl.-3.			
06/08/89	160	Gvnt.'s Mtn. to grant immunity to Ronald G. Barlow w/c/s in person.			
06/08/89	161	ORDER--Immunity granted to Ronald G. Barlow w/c/c/m to cnsl.-3.			
06/08/89	162	Gvnt.'s Mtn. to grant immunity to Russell Dean Henningsgaard w/c/s in person.			
06/08/89	163	ORDER--Immunity granted to Russell Dean Henningsgaard w/c/c/m to cnsl.-3.			
06/08/89	164	Gvnt.'s Mtn. to grant immunity to Allan A. Carlson w/c/s in person.			
06/08/89	165	ORDER--Immunity granted to Allan A. Carlson w/c/c/m to cnsl.-3.			
06/09/89	---	All exhibits from trial with jury & PT mtngs hring are in VAULT.			
06/06/89	---	Received \$200.00 from J.W. BURNS receipt #17343 as pay. for fine.			
06/09/89	---	Received \$200.00 from Creed Miles Evans receipt 17345 as pay. for fine.			
06/12/89	166	Subp. rtned. [serv. 06/02/89 on Richard Lewis Blaine]			
06/12/89	167	ORDER DISMISSING COUNTS--Indict. filed against Creed Miles Evans DISMISSED pursuant to Plea Agree-w/c/c/m to AUSA/Brooks, Cotter, USPO.			
06/12/89	168	Transcript of Change of Plea & Sentencing Proceedings on 06/08/89 for deft. #1 CREED MILES EVANS-cpy. to USPO			
06/12/89	169	Transcript of Change of Plea & Sentencing Proceedings on 06/06/89 for Deft. #2 JOHN W. BURNS-cpy. to USPO			
06/13/89	170	Judgment & Order--FILED & ENTERED IN CRIMINAL DOCKET VOLUME 10 PAGE 43; DEFT. JOHN WILLIAM BURNS: Sent. not imposed pursuant to Sent. Reform Act of 1984, Deft. J.W. Burns shall pay to US the sum of \$200.00 consisting of following; on Ct. I fine of \$100.00 & on Ct. II a fine of \$100.00. Sum of \$200.00 be paid immediately. Further Ordered that J.W. Burns forfeit to US all gun parts involved in charges against deft.-w/c/c/m to AUSA/Brooks, cpy. plus cert. cpy., Cotter, Burns, Bauer, Randono, Nickell USPO/ 2 cpys. & USM/5 cert. cpys.			
06/13/89	171	Judgment & Order--FILED & ENTERED IN CRIMINAL DOCKET VOLUME 10 Page 44; Deft. Creed Miles Evans; Deft. Evans placed on 1 yr. supervised prob. Comply w/standard conditions of USPO & comply w/add. conditions: 1/ Deft. surrender all ATF Firearms licenses of any type to US atty's Butte, MT w/i 75 days. 2/ deft. permanently dispose of all firearms he owns or possess w/i 75 days			

UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET

#1 Creed Miles Evans

CR-88-35-GF-PGH

AO 256A

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
	(Document No.) # 171 Continued;				
	3/ Deft. perform 100 hrs. of community service as directed by USPO. Further Ordered that Evans pay tp US a fine of in the amt. of \$200.00 payable immediately-w/c/c/m to AUSA/Brooks, Nickell, Cotter, Bauer, Randon, W. L. Burns, USPO/2 cpys. & USM/5 cert. cpys.				
06/19/89	--- Lodged Notice of Appeal Deft. Creed Miles Evans [fee paid receipt #17356]				
6/28/89	-- CONFIDENTIAL POST SENTENCE REPORT [JOHN WILLIAM BURNS]				
6/30/89	172 MEMO & ORDER: Deft's mtn for discovery dated 5/27/88 is in all respects DENIED. Cpys to cnsl/2				
6/30/89	173 NOTICE OF APPEAL FROM CREED EVANS [fee pd on 6/19/89/recept #17356] Appeals the following: 1/memo & order re deft's mtn to dismiss 5/16/89 2-memo & order denying deft's mtn to suppress 5/26/89 3-memo & order denying deft's mtn to compel exculpatory material [denied in chambers 6/6/89; order 6/30/89] TO USCA by cert mail #062658020: Cert cpy Notice of Appeal Cert cpy of memo & orders filed 5/16/89, 5/26/89 & 6/30/89 [#106, 110, 172] Cert cpy of judgment filed 6/13/89 [#171] Orig Docket Fee Payment Form Cpy of Order for Time Schedule Cert cpy of docket Case Information To Robert Brooks & Michael Cotter: Cpy Notice of Appeal Cpy memo & orders #106,110,172 Cpy judgement #171 Cpy Order for Time Schedule Cpy Docket Fee Payment Form Cpy Docket Transcript Designation Form to Cotter w/cover letter To Sherry: Cpy Notice of Appeal Cpy memo & orders #106,110,172 Cpy judgement #171 Cpy docket 5X8 card To Court Reporter: Cpy Notice of Appeal Cpy Order for Time Schedule				
6/30/89	174 Deft Creed Evans' Stmt of Issues w/c/m				
6/30/89	175 Deft Creed Evans' Transcript Designation Form requesting transcripts of hrgs on 7/11/88, 7/14/88, 7/15/88, 6/6/89, 6/7/89 & 6/8/89				
6/30/89	176 ORDER FOR TIME SCHEDULE: Transcript ordered by 7/21/89 Transcript filed by 8/21/89 Appellant's opening brief due 10/2/89 Appellee's brief due 11/6/89 Appellant's optional brief due 11/21/89				
Creed Evans					

Interval  
(per Section III)Start Date  
End DateLtr. Total  
Code Days

AO 256A @

Yr. Docket No. Del.

DATE	PROCEEDINGS (continued)		V. EXCLUDABLE DELAY			
			(a)	(b)	(c)	(d)
7/10/89	--	Cpy of docket fee pmt form from USCA showing USCA #89-30188 [Creed Evans]				
07/28/89	177	Satisfaction of Monetary Judg. <u>Creed Miles Evans</u>				
07/28/89	178	Satisfaction of Monetary Judg. <u>John William Burns</u>				
8/21/89	179	TRANSCRIPT OF PRETRIAL MOTIONS PROCEEDINGS ON 7/11/88	[VOLUME I] [VOLUME II] [VOLUME III] [VOLUME IV] [VOLUME V] [VOLUME VI]	}	CREED EVANS	
8/21/89	180	TRANSCRIPT OF PRETRIAL MOTIONS PROCEEDINGS ON 7/14/88				
8/21/89	181	TRANSCRIPT OF PRETRIAL MOTIONS PROCEEDINGS ON 7/15/88				
8/21/89	182	TRANSCRIPT OF TRIAL PROCEEDINGS ON 6/6/89				
8/21/89	183	TRANSCRIPT OF TRIAL PROCEEDINGS ON 6/7/89				
8/21/89	184	TRANSCRIPT OF TRIAL PROCEEDINGS ON 6/8/89				
8/21/89	--	<u>CERTIFICATE OF RECORD TO USCA/CREED EVANS</u> [Transcripts designated for 7/11/88, 7/14/88, 7/15/88, 6/6/89, 6/7/89, 6/8/89 are on file/doc #179-184] Cyps to cnsl/2				
8/22/89	185	Cpy of Letter from Cotter stating deft Creed Evans has complied w/crt's order of 6/13/89 [attachments]				
03/22/90	---	Record on Appeal; Attention Fred Taylor, USCA cert. mail P 545 954 241				
4/10/90	186	Receipt of Exhibit-Michael Cotter/cnsl for Creed Evans acknow recpt of Exh No 8 to be used for purposes of argument before 9th Circuit on 4/12/90				
4/16/90	--	Mike Cotter rtn Exh #8 [in vault]				
8/22/91	--	Recd Record on Appeal documents re Creed Evans from USCA				
09/30/91	--	Certified cpy. of Decree of Crt. left side of file				
09/30/91	187	Opinion from USCA Affirming US District Court Decision				
09/30/91	188	Judgt. from USCA; Judgt. of Dist. Crt. is <b>AFFIRMED</b> <b>Filed Entered Volume 10, Page 44 (Creed Evans)</b>				
09/30/91	189	Order from USCA; Appellant's Pet. for rehearing id				
10/3/91	190	USA'S Mtn to Release Evidence to ATF wcs				DENIED.
10/3/91	---	LODGED prop order re mtn #190 [waiting for deft resp]				
10/7/91	191	Deft Dan Burns' Obj to USA'S Mtn to Release Evidence wcs [per Mark Bauer-a stip will be filed so that every deft can have their own exhibits]				
10/11/91	--	Call to Bauer re stip -not ready yet				
10/11/91	192	STIPULATION for Release of Evidence [signed by Bauer, Cotter, Randono, Brooks & Burns] -TO PGH				
10/15/91	---	Called Brooks for prop order re stip #192				
10/15/91	--	LODGED prop order that all evidence be rel to parties submitting evidence to crt-TO PGH				
10/16/91	193	<b>ORDER:</b> all evidence now being held by C/C be released to parties submitting that evidence to the Crt. Cyps to Brooks, Cotter, Bauer, USM, USPO, W.Burns				
10/16/91	--	RETURNED Deft John W. Burns' Exh #1 & 2 that were adm at PT Mtns hrg to William Burns, Cut Bank w/recpt of exhibits form to be rtn to C/C				
10/21/91	194	Receipt of Exhibits from Mark Bauer				
10/22/91	195	Receipt of Exhibits from Bureau ATF				
11/14/91	196	Receipt of Exhibits by Tara Estes on 11/14/91				
3/23/99		ARCHIVE CASE Accession # 021-99-0050, box 1 of 12 Location 720373				
02/25/03	197	MOTION of dft CREED MILES EVANS to vacate, re-enter JDgmt of Conviction and Brief in support of mtn				

Interval Start Date Ltr. Total  
(per Section 11) End Date Code Days



AO 256A

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
03/03/03	(198) RESPONSE of USA (AUSA Rostad) to dft Creed mtn to re-enter Jdgmnt "dummy file" to SEH for review				
03/28/03	199 DEFT's REBUTTAL to pltf reply brf - to SEH				
09/05/03	200 ORDER of SEH; dfts mtn to vacate and re-enter jgmnt of conviction is DENIED.				
2-28-11	201 Petition for Writ of Error Coram Nobis with Exh A				
6-27-11	202 Motion to Remove or Purge Such Encumbrance w/ Exh A				
8-10-11	203 AUSA Response to Motion				
9-6-11	204 Defendant's Reply				
1-8-13	205 Order				
1-15-13	206 notice of subs of counsel				
1-15-13	207 Motion for leave to File Affidavit under Seal				
	- Proposed Order				
	- Lodged Affidavit				
2-8-13	208 order - motion (206) denied. (mailed to Creed Evans at PO. BOX GF)				
2-13-13	209 Affidavit				
3-13-13	210 Order - Setting Hrg on motion - April 1, 2013 at 4:00pm				

Interval  
(per Section 11)

Start Date  
End Date

Ltr. Total  
Code Days